

Assembly Bill No. 1080

CHAPTER 278

An act to amend Sections 8238.2, 8238.4, and 8239 of the Education Code, relating to state preschool programs.

[Approved by Governor October 5, 2007. Filed with
Secretary of State October 5, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1080, Mullin. State preschool programs: funding.

The Child Care and Development Services Act requires the Superintendent of Public Instruction to administer state preschool programs that include part-day and preschool appropriate programs for prekindergarten children 3 to 5 years of age, inclusive. The act provides that \$50,000,000 from a specified item in the Budget Act of 2006 for child development and preschool programs is available for expenditure by the Superintendent according to a specified schedule. The act specifies that \$45,000,000 of that amount is to reimburse participating programs located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index on a per-child basis at the same rate that is used for the state preschool program.

This bill would require the State Department of Education, if funds from the \$45,000,000 amount are offered under a new competitive bidding process after January 1, 2008, due to the termination, suspension, or relinquishment of an original contract award and in order to maintain an existing class, to assign first priority to successful applicants that will maintain that class within the attendance area of the elementary school pursuant to the program's original grant. The bill would also make other technical, clarifying, and conforming changes to existing statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 8238.2 of the Education Code is amended to read:

8238.2. A local educational agency or a participating program on behalf of one or more participating programs may select a family literacy and education coordinator whose duties may include all of the following:

- (a) Developing a system to coordinate the provision of literacy services to families at the local educational agency and community level.
- (b) Creating an organizational partnership between each program provider and an adult education program operated by a local educational agency or other community provider, as needed.
- (c) Promoting parental involvement in participating classrooms.

SEC. 2. Section 8238.4 of the Education Code is amended to read:

8238.4. Of funds appropriated in Schedule (1) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2006 (Ch. 48, Stats. 2006) for child development and preschool programs, fifty million dollars (\$50,000,000) is available for expenditure by the Superintendent as follows:

(a) (1) Forty-five million dollars (\$45,000,000) to reimburse participating programs on a per-child basis at the same rate that is used for the state preschool program, as determined in the annual Budget Act or other statute.

(2) The funds described in paragraph (1) shall be assigned to programs located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index pursuant to Section 52056. Within elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index, preference shall be provided to underserved areas as described in subdivision (d) of Section 8279.3. If the funds described in paragraph (1) are offered under a new competitive bidding process after January 1, 2008, due to the termination, suspension, or relinquishment of an original contract award and in order to maintain an existing class, the department shall assign first priority to successful applicants that will maintain that class within the attendance area of the elementary school as originally granted.

(3) Notwithstanding any other provision of law, programs receiving funding in this section shall serve children who would attend kindergarten in the subsequent academic year. No child shall receive services from a program under this section for more than one year.

(4) Notwithstanding any other provision of law, a program receiving funding pursuant to this section may provide services to children in families above the income eligibility threshold, as described in Sections 8263 and 8263.1, if the number of contracted slots exceed the number of eligible children. No more than 20 percent of contracted slots, calculated throughout the participating program's entire contract, may be filled by children in families above the income eligibility threshold.

(5) The department shall report to the Department of Finance and the Legislature at budget hearings the number of children who are being served with the funds described in paragraph (1). The report shall also include the number of children served above the income eligibility threshold and the age of all children served.

(b) (1) Five million dollars (\$5,000,000) to be distributed to each participating class at a rate of two thousand five hundred dollars (\$2,500) per class per school year. Funds received pursuant to this subdivision may be used for all of the following purposes:

(A) Compensation and support costs for program coordinators as described in Section 8238.2.

(B) Staff development pursuant to Section 8238.3.

(C) Family literacy services.

(D) Instructional materials, including consumables.

(2) In the event that the total amount described in paragraph (1) is insufficient to fund all of the participating class at the per classroom rate described in that paragraph, the class rate shall be prorated accordingly.

(c) The appropriation of funds for purposes of this section beyond the amounts described in this section shall be pursuant to the annual Budget Act or other statute.

SEC. 3. Section 8239 of the Education Code is amended to read:

8239. The Superintendent shall encourage state preschool program applicants or contracting agencies to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs. In order to facilitate a full-day of services, all of the following shall apply:

(a) Part-day preschool programs provided pursuant to this section shall operate between 175 and 180 days.

(b) Part-day general child care and development programs provided pursuant to this section may operate a minimum of 246 days per year unless the child development contract specified a lower minimum days of operation. Part-day general child care and development programs may operate a full-day for the remainder of the year after the completion of the preschool program.

(c) Full day services provided under this section shall be reimbursed at no more than the standard reimbursement rate with adjustment factors.

(d) Notwithstanding any provision of law, to be eligible for part-day child care, a child who is enrolled in a preschool program shall be required to meet the eligibility requirements specified in paragraph (4) of subdivision (a) of Section 8238.4 and the requirements pursuant to Sections 8263 and 8263.1 at the time of enrollment in a preschool. Subsequent to enrollment, a child shall be deemed eligible for part-day care as long as the child is enrolled in a preschool program.